

### **REMARKS**

In response to the Office Action mailed January 8, 2007, Applicants amend the Abstract and claims 1, 12, 14, 16-19, 21-22, and 26. Claims 13 and 20 are cancelled herewith. Claims 23-25 were withdrawn in a previous election and claims 10 and 20 were cancelled in a previous response.

#### **Telephone Interview**

Applicants thank the Examiner for his time and consideration during the telephonic interview conducted with Applicants' representative, Damon Ashcraft, on February 13, 2007. During that interview, the Examiner acknowledged that Rogers taught away from the claimed element of a "non-padded" liner. The Examiner also noted that amending the claims to recite that the liner was "non-padded" as proposed by Applicants would not introduce new matter. But, the Examiner noted that Applicants should amend the specification to ensure that the term "non-padded" has proper antecedent basis in the specification. The Examiner also questioned Applicants use of the term "non-porous paper" in claim 26.

Applicants thank the Examiner for his detailed reading of the claims and specification and have amended paragraph 0043 of the specification accordingly and ensured that claim 26 did not contain the phrase "non-porous paper."

#### **Amendments to the Abstract**

The Examiner objected to the Abstract because he considers the phrase "the present invention provides" to be redundant. The Examiner suggested that Applicants adopt the phrase "A system and method for providing..." Applicants amend the Abstract accordingly and respectfully request that this objection be withdrawn.

#### **Amendments to the Specification**

Applicants amend the specification as agreed upon during the telephonic interview. Specifically, Applicants have amended paragraph 0043 to ensure that the claimed term of "non-padded" had proper antecedent basis in the specification. Applicants assert that no new matter is added by this amendment and respectfully request that it be entered.

**Claim Amendments**

Claims 1, 12, 14, 16, 17-19, 21, 22 and 26 are amended, claims 13 and 20 are cancelled, and claims 23-25 were previously withdrawn. Thus, independent claims 1, 16, and 26 and dependent claims 2-12, 14, 15, 17-22 and 27 remain pending and reconsideration is respectfully requested. No new matter is added by these amendments and the Examiner is respectfully requested to enter them.

**The 103 Rejections Citing Rogers and Groglio**

The Examiner rejected claims 1, 2, 5-9, 11-19, 21, 22, 26, and 27 under 35 U.S.C. § 103(a) arguing that these claims are obvious when U.S. Patent No. 5,829,835 to Rogers, et al. ("Rogers") is viewed with U.S. Patent 5,649,718 to Groglio ("Groglio"). Specifically, the Examiner acknowledges that Rogers fails to disclose a basket with a front side and that Rogers fails to teach a liner which is explicitly in contact with a front basket portion. But, the Examiner considers it obvious to add a front side to the basket and to provide a system that lines the front, rear, and lateral sides of the cart in view of the teaching of Groglio.

Applicants disagree and amend claims 1, 16, and 26 to further distinguish these claims from Rogers and Groglio and these amended claims are not obvious in view of Rogers and Groglio because neither of these references teach or suggest all the claim elements as required by *MPEP* § 2143. Further, Rogers and Groglio explicitly teach away from the Applicant's claimed invention and these claims cannot be obvious in view of these references per *MPEP* § 2145 (D) (2). Finally, modifying Rogers as suggested by the Examiner renders Rogers unfit for its intended purpose which further establishes that Applicants' invention is not obvious when Rogers is viewed with Groglio per *MPEP* 2143.01(V).

Claim 1 as amended reads:

"A system for transporting groceries comprising a shopping cart in combination with a shopping cart liner wherein: said shopping cart comprises a cart basket comprising a front side, a rear side, and two opposing sides connected to said front side and said rear side, and a child transport area adjacent to said cart basket; said shopping cart liner comprises a single cart basket liner comprising a single, non-padded and non-porous basket front liner portion disposed against said front side, a single non-padded and non-porous basket back liner portion disposed against said rear side, and two non-padded and non-porous basket side liner

portions disposed against said two opposing sides, a child transport area liner constructed of non-padded and non-porous material disposed within said child transport area in communication with said single cart basket liner, and a cart handle liner in communication with said cart child transport area liner.”

Notably, neither Rogers nor Groglio disclose a basket liner with a non-padded and non-porous basket front liner, a single non-padded and non-porous basket back liner, or two non-padded and non-porous basket side liner portions as recited in claim 1. Since neither reference alone or in combination discloses these claimed elements, claim 1 is not obvious when Rogers is viewed with Groglio.

Moreover, Rogers also teaches away from the claimed elements of non-porous material and a non-padded liner. Rogers states in column 4, lines 53-54 that “The bottom 31, front and rear walls 32, 33 preferably are formed of a padded cloth material.” Emphasis added. This statement in Rogers is directly contrary to, and teaches away from Applicant’s claimed limitations of non-padded side, front and rear liner portions and the claimed element of a child transport area liner constructed of a non-padded and non-porous material.

Finally, modifying Rogers as suggested by the Examiner would render Rogers unfit for its intended purpose. Rogers is constructed from padded material to provide comfort for children who sit in the seat, to make the bag more comfortable to carry, and to protect items carried in the bag. Eliminating the padding would make the seat uncomfortable for children occupants, the bag would be less comfortable to carry, and items stored in the bag would be unprotected. Therefore, these modifications would render Roger’s bag unfit for its intended purpose of a convertible child seat/bag.

Therefore, amended claim 1 is not obvious when Rogers is viewed with Groglio and the Examiner is respectfully requested to withdraw this rejection. Dependent claims 2-9, 11, 12, 14, and 15 are also believed to be non-obvious due to their dependency upon claim 1 and the Examiner is respectfully requested to withdraw these rejections too.

Amended claim 16 recites:

“A system for transporting groceries comprising a shopping cart in combination with a shopping cart liner wherein: said shopping cart comprises a cart basket comprising a front side, a rear side, and two opposing sides connected to said

front side and said rear side, and a child transport area adjacent to said cart basket; said shopping cart liner comprises a flexible cart basket liner constructed of substantially nonporous material comprising a non-padded and non-porous basket front liner portion, a single, non-padded and non-porous basket back liner portion, two non-padded and non-porous basket side liner portions, and a child transport area liner constructed of non-padded and non-porous material in communication with said flexible cart basket liner, and advertising indicia printed on the flexible cart basket liner.”

Claim 16 also contains elements directed at a non-padded and non-porous basket front liner, a single non-padded and non-porous basket back liner, and two non-padded and non-porous basket side liner portions. Therefore, this claim is also not obvious when Rogers is viewed with Groglio because, as noted above, neither reference discloses all the claimed elements, Rogers teaches away from the combination, and the proposed modification would render Rogers unfit for its intended purpose as set forth above. As such, the Examiner is respectfully requested to withdraw this rejection also. Dependent claims 17-19 and 21-23 are also believed to be non-obvious due to their dependency upon claim 16 and the Examiner is respectfully requested to withdraw these rejections too.

Amended claim 26 recites:

“A system for transporting groceries comprising a shopping cart in combination with a shopping cart liner wherein: said shopping cart comprises a cart basket comprising a front side, a rear side, and two opposing sides connected to said front side and said rear side, a child transport area adjacent to said cart basket, and a handle connected to said shopping cart; and said shopping cart liner comprises a single cart basket liner constructed of a printable material comprising a single non-padded paper basket front liner portion disposed against said front side, a single non-padded paper basket back liner portion disposed against said rear side, and two non-padded paper basket side liner portions disposed against said two opposing sides, a child transport area liner constructed of non-padded paper disposed within said child transport area in communication with said single cart basket liner, and a paper cart handle liner in communication with said cart child transport area liner that covers the handle.”

Again, claim 26 contains elements directed at a non-padded basket front liner portion constructed of paper, a single non-padded basket back liner portion constructed of paper, and two non-padded basket side liner portions constructed of paper. Therefore, this claim is also not obvious when Rogers is viewed with Groglio because neither reference discloses all the claimed elements, Rogers teaches away from the combination, and the proposed modification would

render Rogers unfit for its intended purpose as set forth above. As such, the Examiner is respectfully requested to withdraw this rejection also. Dependent claim 27 is also believed to be non-obvious due to their dependency upon claim 26 and the Examiner is respectfully requested to withdraw this rejections too.

**The 103 Rejections Citing Rogers, Groglio, and Ostrowski**

The Examiner rejects claims 3 and 4 under 35 U.S.C. § 103(a) for the same reasons as the other claims except that he argues that while neither Rogers nor Groglio disclose the claimed element of a drawstring, that U.S. Patent No. 4,991,978 to Ostrowski ("Ostrowski) does and that these claims would be obvious as well.

Claim 3 and 4 depend from claim 1 which is not obvious in view of Rogers and Groglio for the reasons set forth above. The combination of Rogers, Groglio, and Ostrowski still fail to teach or suggest each and every element of claim 1, in particular the noted non-porous, non-padded elements and thus, each and every element of claims 3 and 4 are likewise not taught by the combination. Therefore, claims 3 and 4 are also believed to be non-obvious in view of Rogers, Groglio and Ostrowski and the Examiner is respectfully requested to withdraw this rejection.

**CONCLUSION**


In view of the foregoing, Applicants respectfully submit that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact Damon Ashcraft at 602-382-6389. Applicants authorize and respectfully requests that any fees due be charged to Deposit Account No. 19-2814.

Respectfully submitted,

Date:

2/13/07

By:

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